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6 Attorneys for John P. Pringle,
Chapter 7 Trustee
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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**
10

11 In re
12 **MAUREEN OJOSE,**
13 Debtor.

Case No. 2:23-bk-15040-DS
Chapter 7
Adv. No.

14 **JOHN P. PRINGLE, solely in his capacity as**
15 **the Chapter 7 Trustee for the bankruptcy**
16 **estate of Maureen Ojose,**

17 Plaintiff,

18 vs.

19 **KESSIENA KEVIN OJOSE, an individual,**
20 Defendant.
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COMPLAINT FOR:

1. **AVOIDANCE AND RECOVERY
INTENTIONAL FRAUDULENT
TRANSFER;**
2. **AVOIDANCE AND RECOVERY
CONSTRUCTIVE FRAUDULENT
TRANSFER;**
3. **DISALLOWANCE OF CLAIM; AND**
4. **UNJUST ENRICHMENT**

1 John P. Pringle, solely in his capacity as the duly appointed and acting Chapter 7 Trustee
2 (“Trustee” or “Plaintiff”) for the bankruptcy estate (“Estate”) of Maureen Ojose (“Debtor”) hereby
3 brings this Complaint and respectfully complains and alleges as follows:

4 **I. STATEMENT OF JURISDICTION AND VENUE**

5 1. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§
6 157 and 1334. Regardless of whether this proceeding is core, non-core, or otherwise, Plaintiff
7 consents to the entry of a final order and judgment by the Bankruptcy Court.

8 2. This adversary proceeding arises out of and is related to Debtor’s bankruptcy case,
9 which was commenced through the filing of a voluntary petition for relief under Chapter 7 of the
10 Bankruptcy Code by Debtor on August 7, 2023 (“Petition Date”) in the United States Bankruptcy
11 Court, Central District of California, Los Angeles Division.

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1409, as this adversary
13 proceeding arises under Title 11 or arises under or relates to a case under Title 11 which is pending
14 in this District and does not involve a consumer debt of less than \$22,700.00.

15 4. This action is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (H).

16 5. To the extent that the Plaintiff asserts claims under 11 U.S.C. § 544, the Plaintiff is
17 informed and believes and based thereon alleges that there exists in this case one or more creditors
18 holding unsecured claims allowable under 11 U.S.C. § 502 or are not allowable under 11 U.S.C. §
19 502(e), who can avoid the respective transfers as set forth hereinafter under California or other
20 applicable law.

21 **II. PARTIES**

22 6. Plaintiff is the duly appointed, qualified, and acting Chapter 7 Trustee for the
23 Debtor’s Estate.

24 7. Plaintiff is informed and believes and thereon alleges that the Defendant, Kessiena
25 Kevin Ojose (“Defendant”), is an individual residing in the County of Los Angeles, State of
26 California. Plaintiff is further informed and believes and thereon alleges that Defendant is the
27 Debtor’s son.

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1 **III. GENERAL ALLEGATIONS**

2 8. On August 7, 2023, the Debtor filed a voluntary petition under Chapter 7 of the
3 Bankruptcy Code. The Debtor disclosed on her Schedule I that she is a nurse practitioner. According
4 to the California Department of Real Estate, the Debtor is also a licensed real estate agent.

5 9. John P. Pringle is the duly appointed, qualified and acting Chapter 7 trustee in the
6 Debtor's bankruptcy case.

7 10. Plaintiff is informed and believes and thereon alleges that on or about October 17,
8 2022, the Debtor purchased the real property located at 7309 Van Kirk Avenue, Cincinnati, Ohio
9 45216 ("Property").

10 11. Plaintiff is informed and believes and thereon alleges that the Debtor took money out
11 of her 401(k) to purchase the Property as an investment property.

12 12. Plaintiff is informed and believes and thereon alleges that the Property is a duplex
13 and the Debtor rents out both units.

14 13. The Debtor's Bankruptcy Schedules A/B listed the value of the property as
15 \$166,000.00.

16 14. Plaintiff is informed and believes and thereon alleges that on December 28, 2022,
17 the Debtor transferred her interest in the Property to her son pursuant to a General Warranty Deed
18 recorded on December 28, 2022 (the "Deed") in the Hamilton County Recorder's Office as
19 Document No. 2022-0116415 (the "Transfer") for no consideration. The Debtor has testified that
20 she made the Transfer to her son as a gift for "being a good child and staying out of trouble."
21 According to the Deed, title is now held as "Kessiena Kevin Ojose, his successors, heirs and
22 assigns." A true and correct copy of the Deed is attached hereto as **Exhibit 1**.

23 15. Plaintiff is informed and believes and thereon alleges that the Debtor and Defendant
24 recorded the Transfer in an attempt to fraudulently shield or diminish the value of assets in
25 anticipation of filing for Chapter 7 bankruptcy.

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1 **IV. FIRST CLAIM FOR RELIEF**

2 **Avoidance and Recovery of Intentional Fraudulent Transfer**

3 **[11 U.S.C. §§ 544, 548(a)(1)(A), 550, 551; California Civil Code § 3439 et. seq.]**

4 16. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 15 and
5 incorporates them in this Paragraph by reference.

6 17. Plaintiff is informed and believes and based thereon alleges that the Transfer was
7 made on or within (4) years of the Petition Date, but in no event longer than seven (7) years prior to
8 the Petition Date.

9 18. Plaintiff is informed and believes and based thereon alleges that the Transfer was
10 made to the Debtor's son, who is an insider of the Debtor.

11 19. Plaintiff is informed and believes and based thereon alleges that the Debtor retained
12 possession or control of the Property after the Transfer.

13 20. Plaintiff is informed and believes and based thereon alleges that the Transfer was
14 made for no consideration.

15 21. Plaintiff is informed and believes and based thereon alleges that the Debtor was
16 insolvent or became insolvent shortly after the Transfer was made.

17 22. Plaintiff is informed and believes and based thereon alleges that the Transfer was
18 made with the actual intent to hinder, delay and defraud creditors, including Plaintiff.

19 23. Plaintiff is informed and believes and based thereon alleges that the Transfer was a
20 fraudulent transfer avoidable under Bankruptcy Code Sections 544, 548 and California Civil Code
21 Sections 3439.04, 3439.07, 3439.09

22 24. Plaintiff may recover, for the benefit of the Estate, the Transfer, or the value of the
23 Transfer, from Defendants or from whom entity for whose benefit the Transfer was made, or any
24 immediate or mediate transferee of such initial transferee pursuant to 11 U.S.C. §§ 550, 551.

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V. SECOND CLAIM FOR RELIEF

Avoidance and Recovery of Constructive Fraudulent Transfer

[11 U.S.C. § 544, 548(a)(1)(B), 550, 551; Cal. Civ. Code § 3439 et. seq.]

25. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 15 and incorporates them in this Paragraph by reference.

26. Plaintiff is informed and believes and based thereon alleges that the Transfer was made: (i) for less than reasonably equivalent value to Debtor or in any value in exchange for said Transfer, (ii) while the Debtor was engaged or about to engage in a business transaction for which the remaining assets were unreasonably small in relation to the business or the transaction, (iii) while the Debtor intended to incur, or believed or reasonably should have believed she would incur, debts beyond her ability to pay the as they became due; and/or (iv) by the time that the Debtor was insolvent and/or was rendered insolvent by virtue of the Transfer.

27. Plaintiff is informed and believes and based thereon alleges that the Transfer was a fraudulent transfer avoidable under Bankruptcy Code Sections 544, 548 and California Civil Code Sections 3439.04, 3439.05, 3439.07, 3439.09.

28. Plaintiff may recover, for the benefit of the Estate, the Transfer, or the value of the Transfer, from Defendant or from whom entity for whose benefit the Transfer was made, or any additional subsequent transferee pursuant to 11 U.S.C. §§ 550, 551.

VI. THIRD CLAIM FOR RELIEF

Disallowance of Claims

[11 U.S.C. § 502(d)]

29. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 28 and incorporates them in this Paragraph by reference.

30. Plaintiff is informed and believes and based thereon alleges that the Defendant received an avoidable transfer and Defendant is a party to which such transfer is recoverable pursuant to 11 U.S.C. §§ 550, 551.

31. Defendant has not paid the amount or turned over any such property for which the Defendant is liable pursuant to the Bankruptcy Code.

32. Pursuant to 11 U.S.C. § 502(d), to the extent Defendant files a claim, such claim should be disallowed.

VII. FOURTH CLAIM FOR RELIEF

Unjust Enrichment

[11 U.S.C. § 105]

33. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 28 and incorporates them in this Paragraph by reference.

34. Defendant received a benefit through the Transfer and Defendant's retention of the Transfer and/or the value of the Transfer results in unjust enrichment of said benefit at the Estate's expense.

WHEREFORE, the Trustee respectfully requests that this Court enter judgment as follows:

1. The Transfer is avoided and recovered under 11 U.S.C. § 544, 548, 550 and/or Cal. Civ. Code §§ 3439 *et seq*;

2. The Transfer is preserved for the benefit of the Estate pursuant to 11 U.S.C. § 551;

3. That if Defendant fails or refuses to turn over the Transfer, and/or the value of the Transfer, any claim of the Defendant shall be disallowed pursuant to 11 U.S.C. § 502(d);

4. If appropriate, for an award of attorney's fees along with costs of suit incurred herein; and

5. For such other and further relief as the Court may deem proper under the circumstances of this case.

Respectfully submitted,

SHULMAN BASTIAN FRIEDMAN & BUI LLP

DATED: June 5, 2024

By: /s/ Lynda T. Bui
Lynda T. Bui
Melissa Davis Lowe
Attorneys for John P. Pringle, Chapter 7 Trustee

EXHIBIT 1

Convey number: 321263
Deed number: 22-593892
Instr. number: 22-596744
Transfer date: 12/28/2022
Sec.: \$19,202, R.C.
Sec.: 322.02 R.C.
Dusty Rhodes
Hamilton County Auditor
Sales Amount: 0.00
Permissive fee: 0.00
Transfer fee: 0.50
Conveyance fee: 0.00

Scott Crowley
Hamilton County Recorder's Office
Doc #: 2022-0116415 Type: DE
Filed: 12/28/22 08:03:45 AM \$34.00
Off. Rec.: 14821 00135 F 2 35



22n0382-10 (Ojose)

General Warranty Deed

Maureen Ojose, unmarried, for valuable consideration paid, grants, with general warranty covenants, to Kessiena Kevin Ojose, his successors, heirs and assigns, whose tax mailing address is 5744 Hayter Avenue, Lakewood, CA 90712, the following real property:

See attached Exhibit "A"

Prior Instrument Reference: Official Record 14774, page 664

Maureen Ojose has executed this deed on the 12 day of Dec, 2022.


Maureen Ojose

State of Ca; County of Los Angeles)ss.

No oath or affirmation was administered to the signer in regard to this acknowledgment. The foregoing instrument was acknowledged before me this 12 day of Dec, 2022, by Maureen Ojose.


Notary Public

NO TITLE EXAMINATION OR OTHER SERVICES PERFORMED



This Instrument Was Prepared by:
Meredith A. Hughes, Esq.
Griffin Fletcher & Herndon LLP
3500 Red Bank Road
Cincinnati, Ohio 45227

{00714683-1}

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Los Angeles

Subscribed and sworn to (or affirmed) before me

on this 12 day of Dec, 2022

by Maureen Ojose

proved to me on the basis of satisfactory evidence

to be the person(s) who appeared before me.

Signature: 

EXHIBIT 1

EXHIBIT "A"

Legal Description
For File: 22TT0337-3
Borrower: Ojose

All that certain lot of land lying and being in the former Village of Carthage, now a part of the City of Cincinnati, Ohio, known as Lot 8 of Schmuckers Subdivision of Lots in said Village, as per plat recorded in Plat Book 3, Page 127 of the Hamilton County, Ohio Records of Plats and described as follows:

Beginning at the southeast corner of said Lot 8 and the northeast corner of Lot 7 in the west line of Van Kirk Avenue, formerly known as Schmoker Street; thence Northwardly along the west line of said Avenue, 100 feet to the southeast corner of Lot 9 in said Subdivision; thence Westward along the south line of Lot 9, 139.26 feet to the east line of the C H & D RR Land; thence Southwardly along the east line of said RR Land, 113.68 feet to the northwest corner of said Lot 7; thence Eastwardly along the north line of said Lot 7, 199.32 feet to the place of beginning.

239-0002-0018-00ST

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - Dec 22 2022 JL

CAGIS - _____

B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS JOHN P. PRINGLE, solely in his capacity as the Chapter 7 Trustee for the bankruptcy estate of Maureen Ojose	DEFENDANTS KESSIENA KEVIN OJOSE, an individual,			
ATTORNEYS (Firm Name, Address, and Telephone No.) SHULMAN BASTIAN FRIEDMAN & BUI LLP Lynda T. Bui; Melissa Davis Lowe 100 Spectrum Center Drive, Suite 600, Irvine, CA 92618 Telephone: (949) 340-3400	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) COMPLAINT FOR: 1) AVOIDANCE AND RECOVERY INTENTIONAL FRAUDULENT TRANSFER; 2) AVOIDANCE AND RECOVERY CONSTRUCTIVE FRAUDULENT TRANSFER; 3) DISALLOWANCE OF CLAIM; AND 4) UNJUST ENRICHMENT				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input checked="" type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input checked="" type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought				

B1040 (FORM 1040) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Maureen Ojose		BANKRUPTCY CASE NO. 2:23-bk-15040-DS
DISTRICT IN WHICH CASE IS PENDING Central District	DIVISION OFFICE Los Angeles Division	NAME OF JUDGE Honorable Deborah J. Saltzman
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF JOHN P. PRINGLE, solely in his capacity as the Chapter 7 Trustee for the bankruptcy estate of Maureen Ojose	DEFENDANT ELOHOR OJOSE, an individual, KESSIENA OJOSE, an individual, ESEOGHENE OJOSE, an individual, and EJIROGHENE OJOSE, an individual	ADVERSARY PROCEEDING NO. 2:23-ap-01492-DS
DISTRICT IN WHICH ADVERSARY IS PENDING CENTRAL	DIVISION OFFICE LOS ANGELES	NAME OF JUDGE Deborah J. Saltzman
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Lynda T. Bui		
DATE 6/5/24		PRINT NAME OF ATTORNEY (OR PLAINTIFF) Lynda T. Bui

INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form B1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.